19
1-13-04

EXHIBIT NO. 1

Introduction and first reading:	1/13/04
Public hearing:	1/24/04
Second reading and enactment:	1/24/04

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 2-126 (BUSINESS AND PROFESSIONAL OFFICE) and to add a new Section 2-133.1 (DAY LABOR AGENCY) of Article II (DEFINITIONS); to amend and reordain Section 4-403 (SPECIAL USES) under Section 4-400 (CG/COMMERCIAL GENERAL ZONE), Section 4-503 (SPECIAL USES) under Section 4-500 (CD/COMMERCIAL DOWNTOWN ZONE), Section 4-603 (SPECIAL USES) under Section 4-600 (CD-X/COMMERCIAL DOWNTOWN ZONE-OLD TOWN NORTH), Section 4-803 (SPECIAL USES) under Section 4-800 (OC/OFFICE COMMERCIAL ZONE), Section 4-903 (SPECIAL USES) under Section 4-900 (OCM(50)/OFFICE COMMERCIAL MEDIUM (50) ZONE), Section 4-1003 (SPECIAL USES) under Section 4-1000 (OCM(100)/OFFICE COMMERCIAL MEDIUM (100) ZONE), Section 4-1103 (SPECIAL USES) under Section 4-1100 (OCH/OFFICE COMMERCIAL HIGH ZONE), and Section 4-1203 (SPECIAL USES) under Section 4-1200 (I/INDUSTRIAL ZONE), all of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); to amend and reordain Article VII (SUPPLEMENTAL ZONE REGULATIONS) by adding thereto a new Section 7-2000 (DAY LABOR AGENCIES), and to amend and reordain Article XII (NONCOMPLIANCE AND NONCONFORMITY), by adding thereto a new Section 12-215(ABATEMENT OF DAY LABOR AGENCIES), all of the City of Alexandria Zoning Ordinance (TA No. 2003-0006).

Summary

The proposed ordinance accomplishes the final adoption of Text Amendment No. 2003-0006, to define, regulate by special use permit or, in certain zones, prohibit and abate day labor agencies.

Sponsor

Department of Planning and Zoning

Staff

Eileen Fogarty, Director of Planning and Zoning
Ignacio B. Pessoa, City Attorney

Authority

§§ 2.04(w), 9.12, Alexandria City Charter
§ 11-800, City of Alexandria Zoning Ordinance

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance

None

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EXHIBIT NO. 2

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 2-126 (BUSINESS AND PROFESSIONAL OFFICE) and to add a new Section 2-133.1 (DAY LABOR AGENCY) of Article II (DEFINITIONS); to amend and reordain Section 4-403 (SPECIAL USES) under Section 4-400 (CG/COMMERCIAL GENERAL ZONE), Section 4-503 (SPECIAL USES) under Section 4-500 (CD/COMMERCIAL DOWNTOWN ZONE), Section 4-603 (SPECIAL USES) under Section 4-600 (CD-X/COMMERCIAL DOWNTOWN ZONE-OLD TOWN NORTH), Section 4-803 (SPECIAL USES) under Section 4-800 (OC/OFFICE COMMERCIAL ZONE), Section 4-903 (SPECIAL USES) under Section 4-900 (OCM(50)/OFFICE COMMERCIAL MEDIUM (50) ZONE), Section 4-1003 (SPECIAL USES) under Section 4-1000 (OCM(100)/OFFICE COMMERCIAL MEDIUM (100) ZONE), Section 4-1103 (SPECIAL USES) under Section 4-1100 (OCH/OFFICE COMMERCIAL HIGH ZONE), and Section 4-1203 (SPECIAL USES) under Section 4-1200 (I/INDUSTRIAL ZONE), all of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); to amend and reordain Article VII (SUPPLEMENTAL ZONE REGULATIONS) by adding thereto a new Section 7-2000 (DAY LABOR AGENCIES), and to amend and reordain Article XII (NONCOMPLIANCE AND NONCONFORMITY), by adding thereto a new Section 12-215(ABATEMENT OF DAY LABOR AGENCIES), all of the City of Alexandria Zoning Ordinance (TA No. 2003-0006).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-126 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

2-126 Business and professional office. Any room, studio, clinic, suite, clinic, suite or building in which the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by a salesman, sales representative or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents and landscape architects but not including offices for dentists, physicians or other medical practitioners, <u>or for day labor agencies</u>.

Section 2. That Article II of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 2-133.1 to read as follows:

<u>2-133.1</u> <u>Day labor agency. A place where assignments for employment are made, characterized by the daily gathering of workers. A day labor agency operates a dispatch service at a location to which at least some of the workers physically report, apply and wait for work on a daily basis, and return at the conclusion of the work day to receive their pay. Day labor is labor that is occasional or irregular for which the laborer is assigned for not longer than the time period required to complete the assigned work. The</u>

majority of day laborers are not assigned to perform clerical, administrative or professional work.

Section 3. That Sections 4-403, 4-503, 4-603, 4-803, 4-903, 4-1003 and 4-1203 of the City of Alexandria Zoning Ordinance be, and the same hereby are, amended by adding thereto a new subsection, the appropriate subsection heading to be assigned by the city attorney in preparing the codification of this ordinance, to read as follows:

(_) Day labor agency;

Section 4. That Article VII of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 7-2000, to read as follows:

2-2000 Day labor agencies.

Any day labor agency approved under this ordinance shall, in addition to other conditions appropriate to the specific location and circumstances in a given case, be subject to the following regulations and requirements:

(A) No such use shall be permitted within 300 feet of land in a residential or mixed use zone.

(B) Attended indoor restrooms shall be available two hours prior to the hours of operation of the use for the benefit of laborers.

(C) Trash receptacles shall be provided to the satisfaction of the director.

(D) All litter on the site, on the public right-of-way, and on spaces adjacent to or within 100 feet of the premises of the use shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open.

(E) No amplified sound shall be audible at the property line.

(F) When deemed necessary by the director, and at the expense of the operator of the use, a private security service, or such other dedicated personnel of the operator approved by the director, shall be employed to discourage loitering, public urination, or consumption of alcoholic beverages, and to control noise associated with the congregation of laborers. This security service shall commence prior to the time laborers arrive and remain until after laborers disperse in both the morning and afternoon or evening hours.

Section 5. That Article XII of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 12-215, to read as follows:

12-215 Abatement of day labor agencies.

Any day labor agency in existence on October 7, 2003, in a zone in which such use is neither a permitted or special use permit use, or in a zone in which such use is a special use permit use but for which a special use permit has not been granted, shall be deemed a nonconforming use and shall be discontinued on or before a date 18 months from the date on which the use was first notified of its nonconforming status, unless it obtains a special use permit which authorizes its continuation subject to the following:

(A) Promptly upon learning of the existence of a day labor agency categorized as a nonconforming use under this section, the director shall notify the property owner and, if different, the owner or operator of the nonconforming status of the use and that the use must cease operations, or if permitted by the applicable regulations of this ordinance, obtain a special use permit approval prior to the expiration of 18 months from the date of the notice.

(B) No later than the expiration of the applicable 18 month time period, the property owner or owner or operator of any such nonconforming day labor agency may seek from city council an extension of the date by which it must come into conformity with this section 12-215 by filing with the director a petition which sets forth in detail the reasons why a fair and reasonable return on the investment in such day labor agency made by the petitioner prior to October 7, 2003, cannot be obtained prior to the expiration of the 18 month period.

(C) Council shall conduct a public hearing on any such petition, prior to which the director shall provide notice in accordance with the provisions of section 11-300 of this ordinance.

(D) Following the hearing, council may extend the 18 month period only if it finds that a strict application of that time period will deny the petitioner the opportunity to realize a fair and reasonable return on the investment in the nonconforming day labor agency made by petitioner prior to October 7, 2003, in which case council shall extend the date to a time which it determines will provide such opportunity to the petitioner.

Section 6. That Article II; Sections 4-403, 4-503, 4-603, 4-803, 4-903, 4-1003, 4-1103 and 4-1203; Article VII and Article XII of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 7. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use or land development approval provided for under the City of Alexandria Zoning Ordinance which are filed on and after January

24, 2004, and are pending on and after the effective date before any city department, agency or board, or before city council, or on judicial review, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of said Ordinance.

WILLIAM D. EUILLE
Mayor

Introduction:	1/13/04
First Reading:	1/13/04
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Public Hearing:	
Second Reading:	
Final Passage:	

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